

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16923 of 2004

Between:

M/s Kanakadurga Wines (Licence No. 255), Tadkal Village, Kangti Mandal,
Narayankhed, Medak District, rep. by its licensee E. Satish Reddy S/o Anji Reddy.

..... PETITIONER

AND

- 1 Deputy Commissioner of Prohibition and Excise, Nizamabad.
- 2 Prohibition and Excise Superintendent, Medak District.
- 3 Prohibition and Excise Inspector, Narayankhed, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or a direction, more particularly one in the nature of writ of mandamus, declaring the action of the Excise Inspector, Narayankhed, in not allowing the petitioner to open the shop and run the business as being arbitrary, illegal, unconstitutional and without any authority of law, apart from being violative of principles of natural justice and issue a consequential direction directing the respondents not to interfere with the petitioner's shop so long as his licence is in force.

Counsel for the Petitioner:MR.P.ROY REDDY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following O R D E R:

The petitioner claims to be a licensee in Form No.IL-24.

This writ petition is filed seeking a declaration that the action of the respondents in not allowing the petitioner to open the shop and run the business in spite of the fact that the petitioner is holding a valid licence, as arbitrary and illegal.

This Court, while directing notice to the respondents, by order dated 21-09-2004, granted interim direction to the respondents not to interfere with the business of the petitioner except in accordance with law, if it is holding a valid licence as on that date.

Now, a counter-affidavit has been filed by the respondents stating that a show-cause notice was served on the petitioner on 20-09-2004 calling upon it to show-cause as to why the licence should not be cancelled and thereafter, by order dated 27-09-2004, the licence of the petitioner was cancelled

In the light of the averments made in the counter-affidavit stating that the licence of the petitioner has already been cancelled, nothing remains for adjudication on merits.

Accordingly, granting leave and liberty to the petitioner to work out the appropriate remedy to challenge the order of cancellation dated 27-09-2004, the writ petition is disposed of. No costs.

03-11-2004

To

- 1 Deputy Commissioner of Prohibition and Excise, Nizamabad.
- 2 Prohibition and Excise Superintendent, Medak District.
- 3 Prohibition and Excise Inspector, Narayankhed, Medak District.

4 Two C.Cs to the Government Pleader for Prohibition & Excise,

High Court of A.P. Buildings, Hyderabad (OUT)

5 Two C.D copies.